

**BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B**

IN RE: RICKEY H. HICKS, Respondent
 Arkansas Bar ID#89235
 CPC Docket No. 2008-043

FILED

OCT 21 2008

**LESLIE W. STEEN
CLERK**

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based arose from information provided to the Committee by Vicky Hedgecock in an Affidavit dated May 21, 2008. The information related to certain conduct of Respondent beginning in 2006.

On June 2, 2008 Respondent was served with a formal complaint, supported by affidavits from Vicky Hedgecock, Raymond Harrill and Patricia Murray. Respondent failed to file a response to the complaint, which failure to timely respond, pursuant to Section 9.C(4) of the Procedures, constitutes an admission of the factual allegations of the formal complaint and extinguishes Respondent's right to a public hearing.

The information before the Committee, which was deemed admitted by Respondent's failure to respond, reflected that during March 2006, Rickey Hicks, an attorney practicing primarily in Little Rock, Arkansas, who was appointed counsel for Tina Bradley in a federal district court matter, obtained the professional services of Hedgecock Court Reporters. Mr. Hicks requested a copy of the transcript of a deposition and also for Ms. Hedgecock to report a deposition in the pending legal matter. Ms. Hedgecock invoiced Mr. Hicks on both matters. Mr. Hicks did not submit payment to Ms. Hedgecock.

Ms. Hedgecock had counsel contact Mr. Hicks about the unpaid invoices. Mr. Hicks did not respond to that contact.

Mr. Hicks was contacted by the Office of Professional Conduct about the unpaid invoices. He advised that he had never properly billed the United States District Court but would resubmit the bill and would pay Ms. Hedgecock after he was paid. Mr. Hicks did not submit the bill to the United States District Court for payment. Subsequently, Mr. Hicks advised that he would just send a check to Ms. Hedgecock. He did not do so.

Upon consideration of the formal complaint and attached exhibit materials, the failure to respond to it, other matters before it, and the Arkansas Rules of Professional Conduct, Panel B of the Arkansas Supreme Court Committee on Professional Conduct finds:

1. Mr. Hicks' conduct violated Rule 8.1(a), when he advised in correspondence to the Office of Professional Conduct that he was going to submit a bill to the United States District Court in order to recover the costs to pay Ms. Hedgecock for her Court Reporting services, however, Mr. Hicks did not do so; and when he advised in an e-mail to the Office of Professional Conduct that he was going to send Ms. Hedgecock a check for payment of her court reporting services, but did not do so. Rule 8.1(a) requires that a lawyer in connection with a disciplinary matter shall not knowingly make a false statement of material fact.

2. Mr. Hicks' conduct violated Rule 8.4(c), when he advised in correspondence to the Office of Professional Conduct that he was going to submit a bill to the United States District Court in order to recover the costs to pay Ms. Hedgecock for her Court Reporting services, but he did not do so; and when he advised in an e-mail to the Office of Professional Conduct that he was going to send Ms. Hedgecock a check for payment of her court reporting services, but did not do so. Rule 8.4(c) requires that a lawyer not engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

3. Mr. Hicks' conduct violated Rule 8.4(d), because his failure to avail himself to the procedures of the District Court with regard to recovery of costs in matters wherein an attorney is appointed deprived Ms. Hedgecock of payment for her professional services from March 2006 to date. Rule 8.4(d) requires that a lawyer not engage that is prejudicial to the administration of justice.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that RICKEY H. HICKS, Arkansas Bar ID# 89235, be, and hereby is, CAUTIONED for his conduct in this matter. Mr. Hicks is also ordered to pay the costs of this proceeding in the amount of \$50, pursuant to Section 18.A. of the Procedures. The Committee has also imposed a fine pursuant to Section 18.B. of the Procedures in the amount of \$1000. Pursuant to Section 18.C. of the Procedures, the Committee orders Mr. Hicks to pay restitution for the benefit of Ms. Hedgecock in the amount of \$328. As a separate sanction for the failure to respond, the Committee imposes a CAUTION and a \$500 fine, pursuant to Section 9C(1) of the Procedures. The fine, restitution, and costs assessed herein, totaling \$1,878.00, shall be payable by cashier's check or money order payable to the "Clerk, Arkansas Supreme Court" delivered to the Office of Professional Conduct within thirty (30) days of the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court.

ARKANSAS SUPREME COURT COMMITTEE
ON PROFESSIONAL CONDUCT - PANEL B

By: Valerie Kelly
Valerie Kelly, Chair, Panel B

Date: August 26, 2008